

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, D.C.

In the Matter of

**CERTAIN BEARINGS AND
PACKAGING THEREOF**

Inv. No. 337-TA-469

NOTICE OF INVESTIGATION

AGENCY: U.S. International Trade Commission

ACTION: Institution of investigation pursuant to 19 U.S.C. §1337

SUMMARY: Notice is hereby given that a complaint was filed with the U.S. International Trade Commission on March 11, 2002, under section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. §1337, on behalf of SKF USA Inc. of Norristown, Pennsylvania. An amended complaint was filed on March 21, 2002. Supplements to the complaint were filed on March 29 and April 5, 2002. The complaint, as amended and supplemented, alleges violations of section 337 in the importation into the United States, the sale for importation, and the sale within the United States after importation of certain bearings and packaging thereof by reason of (1) infringement of U.S. Trademark Registration Nos. 502,839, 502,840, 1,944,843, and 2,053,722; (2) infringement of common law trademarks; (3) dilution of registered and common law trademarks; (4) false representation of source in violation of Section 43(a)(1)(A) of the Lanham Act, 15 U.S.C. § 1125(a)(1)(A); (5) false advertising in violation of Section 43(a)(1)(B) of the Lanham Act, 15 U.S.C. § 1125(a)(1)(B); (6) passing off; and (7) unfair pecuniary benefits. The complaint further alleges that an industry in the United States exists as required by subsections (a)(1)(A) and (a)(2) of section 337.

The complainant requests that the Commission institute an investigation and, after the investigation, issue a permanent exclusion order and permanent cease and desist orders.

ADDRESSES: The complaint, amended complaint, and supplements, except for any confidential information contained therein, are available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street, SW., Room 112, Washington, D.C. 20436, telephone 202-205-2000. Hearing impaired individuals are advised that information on this matter can be obtained by contacting the Commission's ADD terminal on 202-205-1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202-205-2000. *General information concerning the Commission may also be obtained by accessing its internet server at <http://www.usitc.gov>. The public record for this investigation may be viewed on the Commission's electronic docket (EDIS-ON-LINE) at <http://dockets.usitc.gov/eol/public>.*

FOR FURTHER INFORMATION CONTACT: David O. Lloyd, Esq., Office of Unfair Import Investigations, U.S. International Trade Commission, telephone 202-205-2576.

AUTHORITY: The authority for institution of this investigation is contained in section 337 of the Tariff Act of 1930, as amended, and in section 210.10 of the Commission's Rules of Practice and Procedure, 19 C.F.R. §210.10 (2002).

SCOPE OF INVESTIGATION: Having considered the complaint, the U.S. International Trade Commission, on April 9, 2002, ORDERED THAT –

(1) Pursuant to subsection (b) of section 337 of the Tariff Act of 1930, as amended, an investigation be instituted to determine:

(a) whether there is a violation of subsection (a)(1)(C) of section 337 in the importation into the United States, the sale for importation, or the sale within the United States after importation of certain bearings and packaging thereof by reason of infringement of U.S. Trademark Registration Nos. 502,839, 502,840, 1,944,843, or 2,053,722 and whether there exists an industry in the United States as required by subsection (a)(2) of section 337; and

(b) whether there is a violation of subsection (a)(1)(A) of section 337 in the importation into the United States, the sale for importation, or the sale within the United States after importation of certain bearings and packaging thereof by reason of (1) infringement of common law trademarks; (2) dilution of registered and/or common law trademarks; (3) false representation of source; (4) false advertising; (5) passing off;

or (6) unfair pecuniary benefits, the threat or effect of which is to destroy or substantially injure an industry in the United States.

(2) For the purpose of the investigation so instituted, the following are hereby named as parties upon which this notice of investigation shall be served:

(a) The complainant is—

SKF USA Inc.
1111 Adams Avenue
Norristown, PA 19403

(b) The respondents are the following companies alleged to be in violation of section 337, and are the parties upon which the complaint is to be served:

Bearing Distributors Inc.
930 S. Stadium Road
Columbia, SC 29202

Bearings & Motive Specialties Company, Inc.
90 Westmoreland Ave.
White Plains, NY 10606

Bearings Limited
20 Davids Drive
Hauppauge, NY 11788

Bohls Bearing & Power Transmission Service
210 Probandt
San Antonio, TX 78204

Creswell Industrial Supply, Inc.
6125 Airways Boulevard
Chattanooga, TN 37422

CST Bearing Company
2115 S. Santa Fe St.
Santa Ana, CA 92705

Gulf United Industries Inc.
d/b/a United Bearing Company
675 S. Royal Lane
Coppell, TX 75019

McGuire Bearing Company
947 S.E. Market St.
Portland, OR 97214

Motor Bearing Supply, Inc.
Rt. 1, Box 679
Jasper, TX 75951

RF Wolters Company, Inc.
4585 S. Berkley Lake Road
Norcross, GA 30071

Representaciones Industriales Rodriguez, S.A. de C.V.
Av. Dr. I. Morones Prieto 3150 Ote
Monterrey, NL
Mexico

Ringball Corporation
2160 Meadowpine Boulevard
Mississauga, Ontario
Canada L5N 6H6

RitBearing Corporation
14500 Lochridge Boulevard
Covington, GA 30014

Seal Pack Corporation
8502 N.W. 66th St.
Miami, FL 33166

(c) David O. Lloyd, Esq., Office of Unfair Import Investigations, U.S. International Trade Commission, 500 E Street, SW., Room 401, Washington, D.C. 20436, who shall be the Commission investigative attorney, party to this investigation; and

(3) For the investigation so instituted, the Honorable Delbert R. Terrill, Jr., is designated as the presiding administrative law judge.

Responses to the complaint and the notice of investigation must be submitted by the named respondents in accordance with section 210.13 of the Commission's Rules of Practice and Procedure, 19 C.F.R. §210.13. Pursuant to 19 C.F.R. §§201.16(d) and 210.13(a), such responses will be considered by the Commission if received no later than 20 days after the date of service by the Commission of the complaint and the notice of investigation. Extensions of time for submitting responses to the complaint will not be granted unless good cause therefor is shown.

Failure of a respondent to file a timely response to each allegation in the complaint and in this notice may be deemed to constitute a waiver of the right to appear and contest the allegations of the complaint and to authorize the administrative law judge and the Commission, without further notice to that respondent, to find the facts to be as alleged in the complaint and this notice and to enter both an initial determination and a final determination containing such findings, and may result in the issuance of a limited exclusion order or a cease and desist order or both directed against that respondent.

By order of the Commission.

Marilyn R. Abbott
Secretary

Issued: April 10, 2002